

STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION

# AGENDA

Wednesday, March 8, 2006  
9:00 a.m.

Water Quality Control Board  
Regional Board Meeting Room  
9174 Sky Park Court  
San Diego, California

The Regional Board requests that all lengthy comments be submitted in writing in advance of the meeting date. To ensure that the Regional Board has the opportunity to fully study and consider written material, comments should be received in the Regional Board's office no later than 5:00 P.M. on Wednesday, February 22, 2006, and should indicate the agenda item to which it is applicable. If the submitted written material is more than 5 pages or contains foldouts, color graphics, maps, etc., 20 copies must be submitted for distribution to the Regional Board members and staff. Written material submitted after 5:00 P.M. on Wednesday, March 1, 2006 will not be provided to the Regional Board members and will not be considered by the Regional Board. *PLEASE NOTE THAT SOME ITEMS ON THE AGENDA MAY HAVE BEEN PREVIOUSLY NOTICED WITH EARLIER DEADLINES FOR SUBMITTING WRITTEN COMMENTS. IN THOSE CASES THE EARLIER DEADLINES APPLY.*

Comments on agenda items will be accepted by E-mail subject to the same conditions set forth for other written submissions as long as the total submittal (including attachments) does not exceed five printed pages in length. E-mail must be submitted to: [rb9agenda@waterboards.ca.gov](mailto:rb9agenda@waterboards.ca.gov) to insure consideration by the Regional Board. Type the word "Agenda" in the subject line.

Pursuant to Title 23, California Code of Regulations, Section 648.4, the Regional Board may refuse to admit written testimony into evidence if it is not submitted to the Regional Board in a timely manner, unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would create an unreasonable hardship.

NOTE C, attached to this Notice, contains a description of the hearing procedures that will be followed by the Regional Board. Hearings before the Regional Board are normally conducted using procedures that do not include cross-examination. Parties requesting use of more formal procedures must do so in accord with the directions in NOTE C. Any such request, together with supporting material, must be received in the Regional Board's office no later than 5:00 P.M. on Wednesday, February 22, 2006.

*Except for items designated as time certain, there are no set times for agenda items. Items may be taken out of order at the discretion of the Chairman.*

1. Roll Call and Introductions
2. PUBLIC FORUM: Any person may address the Regional Board at this time regarding any matter within the jurisdiction of the Board which is not on the agenda. Submission of information in writing is encouraged. **Presentations will be limited to three minutes.**
3. Minutes of Board Meeting: February 8, 2006.
4. Chairman's, Board Members', State Board liaison's and Executive Officer's Reports: These items are for Board discussion only. No public testimony will be allowed, and the Board will take no formal action.

***Consent Calendar: Items 5 and 6 are considered non-controversial issues. (NOTE: If there is public interest, concern or discussion regarding any consent calendar item or a request for a public hearing, then the item(s) will be removed from the consent calendar and considered after all other agenda items have been completed)***

5. NPDES Permit Revisions: Southern California Edison, San Onofre Nuclear Generating Station, proposes to increase its permanent dewatering and yard drain discharges through the ocean outfalls of Units 2 and 3. The proposed discharges require permit revisions. The appropriate permit revisions are proposed in the following permit addenda: *(Brian Kelley)*
  - a. Unit 2, tentative Addendum No. 1 to Order No. R9-2005-0005, NPDES Permit No. CA0108073
  - b. Unit 3, tentative Addendum No. 1 to Order No. R9-2005-0006, NPDES Permit No. CA0108181
6. Rescission of Waste Discharge Requirements: Tentative Order No. R9-2006-0007 is an Order rescinding the following waste discharge requirements *(Whitney Ghoram)*
  - a. Order No. 88-67, Waste Discharge Requirements for Pre-Mixed Concrete Company, Carlsbad Plant, San Diego County,
  - b. Order No. 94-32, Waste Discharge Requirements for H.G. Fenton Material/Pre-Mixed Concrete Company, Mission Valley Plant, San Diego County,
  - c. Order No. 94-33, Waste Discharge Requirements for H.G. Fenton Material Company, Pala Plant, San Diego County,
  - d. Order No. 94-62, Waste Discharge Requirements for Calmat Company, Pala Plant, San Diego County,
  - e. Order No. 94-71, Waste Discharge Requirements for Florence Kirkpatrick, Alpine Springs R.V. Resort, San Diego County,
  - f. Order No. 94-130, Waste Discharge Requirements for John and Joanne DeRaadt Dairy, San Diego County, and

- g. Order No. 96-60, Waste Discharge Requirements for the San Diego Unified Port District, National City Marina, San Diego County.

***Remainder of the Agenda (Non-Consent Items):***

7. **PUBLIC HEARING:** Administrative Assessment of Civil Liability against the City of Carlsbad for violations of Order No. 99-08-DWQ, Statewide General Construction Storm Water Permit, at the Municipal Golf Course project at 5800 Hidden Valley Road, Carlsbad, California, WDID No. 9 37C337203. The Regional Board will consider whether to raise, lower, or reject assessment of \$23,900 civil liability recommended in Complaint No. R9-2005-0264. (Tentative Order No. R9-2006-0009) (*Frank Melbourn*)
8. **PUBLIC HEARING:** Administrative Assessment of Civil Liability against Dakota Ranch Development Co., LLC for violation of its Clean Water Act Section 401 Water Quality Certification, January 30, 2003 at the Dakota Ranch Subdivision, Santee, California. The Regional Board will consider whether to raise, lower, or reject assessment of \$140,000 civil liability recommended in Complaint No. R9-2005-0176. (Tentative Order No. R9-2006-0010) (*Frank Melbourn*)
9. **PUBLIC HEARING:** Executive Officer issuance of Cleanup and Abatement Order No. R9-2006-0016, United States Marine Corps, Marine Corps Base Camp Pendleton, Las Pulgas Landfill, San Diego County, for violations of waste discharge requirements prescribed by the Regional Board. (*John Odermatt*)
10. ***Executive Session*** - Discussion of Ongoing Litigation  
The Regional Board may meet in closed session to discuss ongoing litigation for the following cases:
- WILLIAM P. JOHNSON, an individual; and VAIL LAKE USA, LLC, a California limited liability company v. REGIONAL WATER QUALITY CONTROL BOARD – SAN DIEGO, a State of California board and DOES 1-50.* Superior Court of the State of California for the County of San Diego, Case No. GIC815227; Petition for Writ of Mandate and Complaint for Damages in regards to Administrative Civil Liability Order No. R9-2002-0027 for violations of the statewide Construction Storm Water Permit, Order No. 99-08-DWQ. (*Frank Melbourn*)
- Divers' Environmental Conservation Organization v. State Water Resources Control Board,* San Diego Superior Court, Case No. GIC819689. Petition for Writ of Mandate challenging waste discharge requirements for U.S. Navy, Naval Station San Diego based on absence of numeric effluent limits for toxic pollutants in discharges of storm water.
- Schutte & Koerting, Inc. and Ametek, Inc. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region.* San Diego Superior Court, Case No. GIC 822750. Verified Petition for Writ of Mandate for Breach of Contract.
- Schutte & Koerting, Inc. and Ametek, Inc. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region.* San Diego Superior Court, Case No. GIC 824706. Verified Petition for Writ of Mandate for Breach of Contract.
- People of the State of California Ex Rel. the Regional Water Quality Control Board, San Diego Region v. Robert Ortega, an individual in his capacity as Acting Commissioner of the International Boundary and Water Commission, United States Section, et al..* United States District Court, Southern District of California, Case No. 01-CV-027BTM(JFS); violation of effluent limits in waste discharge requirements for the International Wastewater Treatment

Plant contained in Order No. 96-50 (NPDES No. CA0108928) and of Cease and Desist Order No. 96-52; Referral Order No. 99-61

11. *Executive Session* - Consideration of Initiation of Litigation  
The Regional Board may meet in closed session to consider initiating criminal prosecution against persons who are alleged to have violated the Porter-Cologne Water Quality Control or the federal Clean Water Act.
12. *Executive Session* - Discussion of Pending Litigation  
The Regional Board may meet in closed session to discuss pending litigation.
13. *Executive Session* - Personnel  
The Regional Board may meet in closed session to consider personnel matters involving exempt employees [Authorized under Government Code Section 11126(a)]
14. Arrangements for Next Meeting and Adjournment  
Wednesday, April 12, 2006 - 9:00 a.m.  
City of Laguna Beach  
City Council Chambers  
505 Forest Avenue  
Laguna Beach, California

### *Notifications*

A. The 2006 schedule of Regional Board meetings has been revised. The Regional Board meeting scheduled for April 12 will be conducted at the City of Laguna Beach, and the May 10 Regional Board meeting will be conducted at the San Diego Regional Board. (*Michael McCann*)

### DIRECTIONS TO REGIONAL BOARD MEETING

From Downtown: I-15 north - take the Aero Drive exit - turn left (west). Proceed to the 3<sup>rd</sup> stoplight, which is Ruffin Road – turn right. Turn left on Sky Park Court (stoplight). Our building is located at the end of the court – veer to the right into the parking lot.

From the North: I-15 south - take the Balboa Ave. exit - turn right (west). Proceed to the 2<sup>nd</sup> stoplight, which is Ruffin Road – turn left. Turn right on Sky Park Court (stoplight). Our building is located at the end of the court – veer to the right into the parking lot.